

here.

III. PARTIES

3. Plaintiff, David Hood, is an individual residing in Houston, Texas.

4. Defendant, Valentine & Kebartas, Inc. is a foreign professional corporation engaged in the business of collecting consumer debts in the Southern District of Texas with its principal place of business located at 15 Union Street, Lawrence, Massachusetts, 01840. The principal purpose of Valentine and Kebartas, Inc.'s business is the collection of debts using the telephone and mails, and Valentine and Kebartas, Inc. regularly attempts to collect debts alleged to be due another. Valentine and Kebartas, Inc. may be served through the Texas Secretary of State's office under Tex. Civ. Prac. & Rem. Code § 17.044(a)(1), because it has done business in Texas and yet it has not designated or maintained a registered agent in Texas. Valentine and Kebartas, Inc. may be served through the Texas Secretary of State's office under Tex. Civ. Prac. & Rem. Code § 17.044(b), because it is a nonresident that has done business in Texas, it has not maintained a regular place of business or a designated agent for service of process in Texas and this proceeding arises out of Defendant's business in Texas to which it is a party.

5. Defendant, LVNV Funding, LLC is a limited liability company engaged in the business of collecting consumer debts in the Southern District of Texas with its principal place of business located at 200 Meeting St STE 206 C/O SHERM. CAP MKTS, Charleston, SC 29401. The principal purpose of LVNV Funding, LLC's business is the collection of debts using the telephone and mails, and LVNV Funding, LLC regularly attempts to collect debts alleged to be due another. LVNV Funding, LLC may be served through its registered agent C T Corporation System, at 350 N Saint Paul St STE 2900, Dallas, TX 75201.

6. Defendant, Resurgent Capital Services, L.P., is a limited partnership engaged in the business of collecting consumer debts in the Southern District of Texas with its principal place of business located at 350 N. Saint Paul Street, Dallas, Texas 75201. The principal purpose of Resurgent Capital Services, L.P.'s business is the collection of debts using the telephone and mails, and Resurgent Capital Services, L.P. regularly attempts to collect debts alleged to be due another. Resurgent Capital Services, L.P. may be served through its registered agent C T Corporation System, at 350 N Saint Paul St STE 2900, Dallas, TX 75201.

7. Valentine and Kebartas, Inc., LVNV Funding, LLC, and Resurgent Capital Services, L.P. are a "debt collector" as defined by the FDCPA, 15 U.S.C. § 1692(a)(6). Hood is a "consumer" as that term is defined by 15 U.S.C. § 1692a(3)

IV. FACTUAL ALLEGATIONS

8. On or around June 2, 2010, Plaintiff received a letter from Defendant Valentine & Kebartas, Inc. stating that they were attempting to collect a debt on behalf of their client, Resurgent, and the debt was owned by LVNV Funding LLC.

9. Beginning around November 2010, Defendant, Valentine and Kebartas, Inc., began leaving voicemails when attempting to contact Plaintiff in an effort to collect a consumer debt.

10. Plaintiff was able to record at least sixteen (16) voicemails Plaintiff's wife's cellular phone. One sample voicemail stated, "Hi, this message is for David Hood, my name is Tracy and I'm calling regarding a very time sensitive matter. It is imperative that I speak with you today and I can be reached at my office at 1-800-731-7766, direct extension 4443. Thank you."

11. Upon information and belief, the number 1-800-731-7766 traces back to Defendant Valentine and Kebartas, Inc.

12. Defendant did not disclose on any of the messages it left that the communications came from a debt collector.

V. CLAIM FOR RELIEF UNDER FAIR DEBT COLLECTION PRACTICES ACT

13. Plaintiff incorporates paragraphs 1-12 above.

14. Defendants Valentine and Kebartas, Inc., LVNV Funding, LLC, and Resurgent Capital Services, L.P. violated the FDCPA by:

(a) Failing to disclose in subsequent communications that it was a debt collector, in violation of 15 U.S.C. § 1692e(11);

15. As a result of these violations of the FDCPA, Defendant is liable to the Plaintiff for statutory damages, costs and attorney's fees.

VI. JURY DEMAND

16. Plaintiff demands a jury trial.

VII. PRAYER

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Statutory damages pursuant to 15 U.S.C. § 1692k(a)(2)(A);
- B. Costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3), including fees in the event of appeal; and
- C. Such other and further relief as may be just and proper.

Respectfully submitted,

Star Legal Aid

1415 Fannin Street, 3rd Floor
Houston, Texas 77002
Tel.: 713-652-0077
Fax: 713-652-3814

By /s/ Thai-Anh Nguyen
Thai-Anh Nguyen
TX Bar No. 24071116
Richard Tomlinson
TX. Bar No. 20123500
Tariq Gladney
TX Bar No. 24058505
Attorneys for Plaintiff